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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,999	09/24/2001	Douglas D Demasi		3383

7590 09/26/2006  
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EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,999

Applicant(s)

DEMASI, DOUGLAS D

Examiner

Bena Miller

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-42 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-42, 44-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

*Bena Miller*

**Due to the remarks filed by Applicant on 8/12/04, the Office Action dated 7/01/04, has been withdrawn. Applicant's attention is directed to the below Detailed Action.**

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22, 24, 27-42 and 44-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefiniteness that is too numerous to point out in every instance. The following examples are provided for the applicant use in making corrections wherever appropriate but not specifically pointed to.

Regarding claims 22, 24 and 27, there is lack of antecedent basis for the limitation "the wing section".

Regarding claim 28, the examiner is unsure if applicant is claiming the combination of the board and the recreational product or the subcombination of the board, only. This in turn, is because while line 1 of the claim appears to indicate that applicant's intention is to claim only the board, other claims dependent on the claim and other portions of claim 28 recite limitations thereon which are dependent on the recreational product (Note claim 28, line 1, **for example only**). In this Office Action, the

examiner presumes that the applicant's intention is to prosecute the subcombination of the board, in order that the claims are given their broadest reasonable interpretation. Accordingly, all additional limitations that are dependent on the recreational product are not considered further structurally limiting with respect to the claimed device.

Regarding claims 29-32, it is not clear whether the surface is of the fins or the wider end surface, both recited in claim 28

Regarding claim 34, the phrase "for receiving an attachment rendering the body the wing of a recreational vehicle" is confusing.

Regarding claims 35, 36 and 45, it is not clear how the claim further structurally limit the claimed device. For example only, in claim 35, it is not clear if the device further comprises or includes "a tow hook secured to the central front end portion".

Regarding claim 38, it is no clear if the wing recited in line 1, has a longitudinally-extending control fins on its underside, recited in line 6.

Regarding claim 39, there is lack of antecedent basis for the limitation "the front end".

Regarding claim 42, the claim recites "there are longitudinally-extending fins at the outer edges of the first section"; however, claim 41 recites the "first section having longitudinally-extending control fins". It is not clear if the longitudinally-extending control fins, recited in claim 42, is the same as the longitudinally-extending control fins, recited in line 3.

Regarding claim 44, there is lack of antecedent basis for "the wings".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-32, 34-36, 38-42 and 44-51, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by either of Goudy (US Patent 3,650,234) or Skaszynski (US Patent 1,099,575) or Schlueter (US Patent 3,320,625).

The device of Goudy or Skaszynski or Schlueter reads on the limitations of the claimed invention including a wing (17 or 8 or 19, respectively), tail section (14 or 6 or fig 1, respectively ), control elements (25 and 16 or 24, respectively ), longitudinally extending fins (16 of Schlueter), a generally thin and flat elongated portion (fig.2 of Skaszynski or fig. 2 of Schlueter, a wider rear end (fig. 1 of Goudy or fig. 2 of Skaszynski), a central front end portion (19 or fig. 2 or fig.1), a wide rearward portion (13 or fig. 2 or fig. 1, respectively ) a central rearward portion (fig.1 or fig. 2 or fig. 1, respectively) and a tow ( 13 of Schlueter) .

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Goudy (US Patent 3,650,234) or Skaszynski (US Patent 1,099,575) or Schlueter (US Patent 3,320,625) in view of Saghri (US Patent 5,498,184) .

Goudy or Skaszynski or Schlueter reads on most of the elements of the claimed device, except for an inflatable bladder. Saghri teaches that it is well known to provide a recreational board with inflatable material. It would have been obvious one having ordinary skill in the art to use inflatable material as taught by Saghri for the device of either Goudy or Skaszynski or Schlueter for the purpose of conveniently storing the device when deflated.

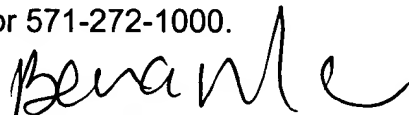
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bena Miller  
Primary Examiner  
Art Unit 3725

bbm  
September 22, 2006